

## ***City Council Meeting Minutes***

**February 3, 2015  
City Hall, Council Chambers  
749 Main Street  
7:00 PM**

**Call to Order** – Mayor Muckle called the meeting to order at 7:03 p.m.

**Roll Call** was taken and the following members were present:

**City Council:**        ***Mayor Robert Muckle, Mayor Pro Tem Hank Dalton  
City Council members: Jay Keany, Chris Leh,  
Susan Loo and Ashley Stolzmann***

**Absent:**                ***Council member Jeff Lipton***

**Staff Present:**        ***Malcolm Fleming, City Manager  
Heather Balser, Deputy City Manager  
Kevin Watson, Finance Director  
Joe Stevens, Parks and Recreation Director  
Aaron DeJong, Economic Development Director  
Troy Russ, Planning & Building Safety Director  
Lauren Trice, Planner I  
Nancy Varra, City Clerk***

**Others Present:**        ***Sam Light, City Attorney***

### **PLEDGE OF ALLEGIANCE**

All rose for the pledge of agenda.

### **APPROVAL OF AGENDA**

Mayor Muckle called for changes to the agenda and hearing none, moved to approve the agenda, seconded by Council member Loo. All were in favor. Absent: Council member Lipton.

### **PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

Julie Stone, 759 Orchard Court, Louisville, CO, Chairperson for the Senior Advisory

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Board promoted the 15<sup>th</sup> Annual Heat Relief Dinner and Silent Auction, which benefits Louisville Seniors. It will be held on Thursday, February 19<sup>th</sup> at the Louisville Recreation Center, from 5:00 to 7:30 p.m. They will hang banners from the City Hall balcony and at the Louisville Recreation Center to advertise the event. The Silent Auction begins at 10:00 a.m., and there will be 200 items to bid on. She thanked the City of Louisville for allowing the event to be advertised along with the water bill. The mailer also included an envelope for donations.

Alan Sobel, 1408 Kennedy, Louisville, CO addressed the last cable franchise update on December 16, which announced the City would not pursue a service center in Louisville. The Louisville cable service center closed in the summer of 2013 and residents were directed to use the Boulder Xfinity Cable Service store. The City based this decision on the following arguments: 1) Comcast service centers have changed from a small store to the large Xfinity type stores and 2) The cost of a local store would be passed on to Louisville subscribers and likely double their monthly bill. He asked if a local store would increase subscribers' bill, how much would the cable bill be reduced by the cost savings of not having a local store.

Kaylix McClure, 105 Cherrywood Lane, Louisville, CO and Addie Nakari, 120 Crest View Court, Louisville, CO stated they are 8<sup>th</sup> Graders at Monarch K-8 and members of the Louisville Youth Advisory Board. They addressed the need for an aquatic facility in Louisville and noted Memory Square Pool tends to be overcrowded in the summer. A new aquatic center could be used by swim teams, residents, accommodate disabilities and provide more job opportunities for the youth. They felt an aquatic center could be a modern facility, and that Louisville's history, such as mining, could be incorporated. It could also include boutique food vendors and outdoor sports and water exercise classes to involve the entire community. They requested the public email the City Council to show their support.

### **APPROVAL OF THE CONSENT AGENDA**

MOTION: Mayor Muckle moved to approve the consent agenda seconded by Council member Loo. All were in favor. Absent: Council member Lipton.

- A. Approval of Bills**
- B. Approval of Minutes – January 20, 2015**
- C. Approve Resolution No. 4, Series 2015 – A Resolution Approving Agreements Between the City of Louisville and Dutko Worldwide, LLC DBA Grayling, and the City of Louisville and Boyagian Consulting , LLC to Furnishing Lobbyist Services to the US 36 Mayors and Commissioners Coalition**
- D. Resolution No. 5, Series 2015 – A Resolution Approving a Third Amendment to the Purchase and Sale Agreement Between Louisville Mill Site, LLC and the City of Louisville**

***E. Approve Option to Extend Investment Management Services Contract  
with Chandler Asset Management***

**COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE  
AGENDA**

Mayor Muckle announced a joint meeting of the Louisville City Council and the Boulder Valley School District Board on Wednesday, February 4<sup>th</sup>, from 7:30 to 9:00 a.m., at the Louisville Middle School. Discussion will include several topics of joint interest such as shared facilities (Louisville schools); enrollment and distribution of children throughout local schools and what the new bond issue will provide for Louisville schools.

He also reported on the US 36 improvements, which will include two new express lanes, bus lanes in both directions from Table Mesa to Pecos, improving the general purpose lanes, significant improvements to bus shelters and ticket kiosks. Each station will be given \$75,000 for public art. RTD is asking members of the communities along US 36 to review the artwork. Louisville has been asked to provide three people to comment and vote on the artwork to be displayed. An application to serve on this committee will be available on the City's Web page.

Council member Stolzmann stated her understanding that there would be one member from the Louisville Art Association, one from the Cultural Council, and one resident at large. Deputy City Manager Balser clarified the application process would allow an opportunity for all residents to apply. She noted the City is also coordinating with the Town of Superior and there is \$75,000 allocated for each station. The RFP for the artwork is through RTD.

**CITY MANAGER'S REPORT**

No items to report.

**REGULAR BUSINESS**

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**1245 GRANT LANDMARK AND HISTORIC PRESERVATION GRANT**

- 1. RESOLUTION No. 6, SERIES 2015 – A RESOLUTION DESIGNATING THE  
D'AGOSTINO HOUSE LOCATED AT 1245 GRANT AVENUE A HISTORIC  
LANDMARK**
- 2. RESOLUTION No. 7, SERIES 2015 – A RESOLUTION APPROVING A  
PRESERVATION AND RESTORATION GRANT FOR WINDOW  
REPLACEMENT AND FOUNDATION REPAIR AT THE D'AGOSTINO HOUSE  
LOCATED AT 1245 GRANT AVENUE**

Mayor Muckle opened the public hearing and requested a staff presentation.

Planner I Trice stated her presentation would cover both Resolution Numbers 6 and 7. The request is to landmark the D'Agostino House located at 1245 Grant Avenue. The home was moved to the site around 1927 and was owned by the D'Agostino family until 1983. Louis D'Agostino was a miner and ran a poultry farm adjacent to the house with his wife Angelina.

The house has had several additions, but the overall form of the property has been maintained. The front door and southern window appear to be in the original location and size. The County Assessor's sketch appears to indicate the addition on the south side occurred in 1950. The siding is stucco, as it appears to have been in 1948. The roof material is non-original asphalt shingle. Overall, the form and some window openings have been maintained, giving it fairly strong integrity. The landmark request is for the porch and the first 24.3 feet of the structure. City Attorney Light has suggested the resolution reflect the most eastern portion of the structure, including the porch.

Staff recommendation: Staff recommended approval of Resolution No. 6, Series 2015, designating the D'Agostino House a historic landmark for the following reasons: 1) This portion of the existing structure retains the highest level of integrity and 2) The home was in the D'Agostino family for over sixty years.

Grant Request: To open and restore existing porch; replace existing windows; improve floor joists and repair foundation and replacement of composite siding and asbestos abatement. All project components were priorities in the Historic Structure Assessment. The rehabilitation work on the structure totals \$43,010. Staff recommended the approval of Resolution No. 7, Series 2015, a Preservation and Restoration Grant request in the amount of \$20,000.

## APPLICANT PRESENTATION

Andy Johnson, DAJ Design, 922A Main Street, Louisville, CO presented the grant request. He reviewed portions of the existing home and the proposal for the design and remodel. He presented a slide of the original blueprint from the Boulder County Assessor's office. He noted the various additions to the home over the years including a basement. He presented the proposed footprint for the home, the floor plans, a second story addition and the final conceptual drawings for the home.

## COUNCIL COMMENTS

Council member Loo stated her understanding that the Historic Preservation Commission had a split on the vote on the alternation certificate. Planner I Trice explained the HPC saw several designs on this project because of the second story addition. There were some concerns on how that would impact the historic structure.

The architect made some design modifications, which was accepted by the majority of the HPC.

#### **APPLICANT PRESENTATION**

Cyndi Thomas, 1245 Grant Avenue, Louisville, CO discussed the history of the home, where the owner had a poultry business and sold eggs to the Blue Parrot Restaurant and a previous resident, who now works for the Waterloo Ice House. She expressed her appreciation for the grant process. Ramsey Thomas thanked the Council for considering their grant request.

Mayor Muckle requested public comment and hearing none closed the public hearing.

#### **RESOLUTION No. 6, SERIES 2015**

MOTION: Mayor Muckle moved to approve Resolution No. 6, Series 2015, seconded by Council member Loo.

City Attorney Light requested a change to Resolution No. 6, Series 2015 to reflect the eastern most 24.3 feet and front porch is to be landmarked. Mayor Muckle and Council member Loo accepted the amendment.

VOTE: All were in favor. Absent: Council member Lipton.

#### **RESOLUTION No. 7, SERIES 2015**

MOTION: Mayor Muckle member moved to approve Resolution No 7, Series 2015, seconded by Mayor Pro Tem Dalton.

Planner I Trice noted the porch was not included in the Resolution title, which is a component of the grant. City Attorney Light suggested Resolution No. 7, Series 2015 be amended to read: "A Resolution Approving a Preservation and Restoration Grant for Restoration, Window Replacement, Porch Restoration and Foundation Repair of the D'Agostino House Located at 1245 Grant Avenue". Mayor Muckle and Mayor Pro Tem Dalton accepted the amendment.

VOTE: Roll call vote was taken. The motion carried by a vote of 6-0. Absent: Council member Lipton.

#### **REVIEW AND ENDORSEMENT OF VISION AND PURPOSE FOR PRESERVATION MASTER PLAN**

Mayor Muckle requested a staff presentation.

Planner I Trice introduced the City's consultant for the Preservation Master Plan, Dr. Mary Therese Anstey, Principal, HistoryMatters LLC, who would provide the update.

Dr. Anstey explained the Preservation Master Plan kick-off meeting on December 3, 2014 was well attended. It began with a brief introduction about the purpose and the structure of the Preservation Master Plan. The presentation also included the importance of public participation in the planning process. The majority of the evening centered around four different activity stations. Everyone in attendance had an opportunity to hear the summaries and the findings of the stations. Fifteen junior preservationists gathered for activities and presented their findings to the entire group.

- Station #1 – “Most and Least Important Sites” - Placement of green or red dots
- Station #2 – “Chalkboards: The Future of Preservation in Louisville”
- Station #3 – What Works?”– Stickers (What; Needs Improvement or Other)

Dr. Anstey explained the ongoing plan is a collaborative approach between the public, staff, the Historic Preservation Commission, the City Council and the consultant. The staff is responsible for writing most of the narrative text for the plan, meeting with other Boards and Commissions; determining the plan's implementation priorities and distributing it to the public. The public is asked to respond to topics and questions posted on [EnvisionLouisvilleCO.com](http://EnvisionLouisvilleCO.com); complete a customer satisfaction survey (for persons who have been through the designation and alteration process) and stakeholders interviews with individuals who have long-term history with preservation will be asked to share their experiences. The Historic Preservation Commission has appointed four subcommittees for each phase of the plan. The Vision subcommittee met on January 7<sup>th</sup> to develop the Vision and Purpose statement. The City Council is asked to endorse the Vision and Purpose statement. Staff has scheduled a City Council Study Session in April to discuss the goals and policy setting. The consultant is responsible for assessing the City resources, creating some draft goals and policies (based on input from staff, public and HPC) and weighing against best practices and reviewing the written text.

**Preservation Master Plan Schedule:**

- March 11, 2015 – Second Public Meeting
- April 14, 2015 – City Council Study Session
- April 2015 – Implementation Schedule
- May-June 2015 – Adoption

The City's Comprehensive Plan called for a Preservation Master Plan. The HPC subcommittee turned to the Comp Plan's Vision Statement for inspiration and guidance and chose concepts and language to draft the following Vision and Purpose Statement:

Vision and Purpose: The citizens of Louisville will retain connections to our past by fostering stewardship and preserving significant historic places. Preservation of these places reflects the authenticity of Louisville - its small town character, history, and sense of place, all of which make our community a desirable place to call home and conduct

business. The purpose of the Plan is to guide Louisville's city-wide preservation program through the next 20 years.

## **PUBLIC COMMENTS**

Michael Menaker, 1827 W. Choke Cherry Drive, Louisville, CO proposed the following edit to the purpose: The purpose of the Plan is to guide Louisville's "voluntary" city-wide preservation program through the next 20 years." He felt the word "voluntary" should be incorporated into the purpose statement to ensure historic preservation efforts remain voluntary and respectful of individual property rights.

## **COUNCIL COMMENTS**

Council member Loo addressed the first sentence of the Vision Statement, which states "will retain". She preferred the words "should be encouraged". She felt the word "will" implies a mandatory purpose. She preferred a phrase which provides more latitude.

Mayor Muckle stated a vision statement does not require a Council action. The vision is to preserve the City's historic past. He felt the word "encouraging" is lecturing.

Council member Loo stated in her experience on Planning Commission there was an ongoing debate on the word "should" and "will". If it appeared in a vision statement, it was sometimes misinterpreted as you will do this. She preferred a non-mandatory word and suggested "should retain or can retain".

City Attorney Light stated the words of "shall, will or strive" in a master plan document will not be enforceable without subsequent ordinances. The language would not be enforceable against the City for a legal action because it is not specific enough. He did not feel the phrase would bring support to any legal action.

City Manager Fleming suggested striking the word "will" from the vision statement. It would be visionary and inspirational while not forcing the effort.

Council member Stolzmann stated there are four goals. The third goal, Prioritizing Projects includes the revolving loan, marketing to residents and businesses and helping the public to find landmarked properties. She did not feel this goal is included in the vision statement. She was not sure the properties will be prioritized with the limited funding.

Mayor Pro Tem Dalton had difficulties envisioning what will be in the Master Plan. He asked staff to outline the elements of the plan. Planner I Trice explained they are still working on the goals and policies, which will go into the plan. The subcommittee is thinking about ideas on what will be in the plan.

Mayor Pro Tem Dalton requested some evidence of the planning process. He suggested providing some sample plans to help Council understand the plan they will receive at the end of this process. Planner I Trice stated she had several examples of Preservation Master Plans, which she will present to the City Council.

Mayor Pro Tem Dalton felt sample plans would be very helpful. Mayor Muckle agreed and stated he was comfortable with the vision and purpose.

Council member Loo asked if there was Council support for Mr. Menaker's suggested addition of "voluntary" in the vision statement. There was Council support.

Council member Leh voiced his appreciation for staff and HPC efforts. He questioned the 20-year timeframe in the purpose. Planner I Trice stated the subcommittee felt a 20-year timeframe was a good goal to work with. She noted it can be reset for something else if deemed unreasonable. Dr. Anstey stated in her experience she has seen the 20-year plan timeframe because it is manageable. She felt any plan should have a step review process every 4 to 5 years.

Council member Leh asked if they have looked at the comp plans over the last 30 years. He was not comfortable with a 20-year span and preferred a shorter time period. He stated the document is not binding, but is inspirational. He did not want to dictate what preservation should be 20 years from now.

Planning and Building Safety Director Russ explained Comprehensive Plans and planning and transportation studies use the 20-year horizon because they are generational. It is based on a life cycle of the infrastructure and is a decision maker. It is a continual look at 20-years into the future, but updated every four years, according to the Louisville Municipal Code. The update is different from the actual planning horizon.

Council member Leh asked what would be lost if the purpose did not include the 20-year timeframe. Mayor Muckle felt some definition of time is useful and noted DRCOG's plans are 20-years out and it is their philosophy that a 20-year span is a view into the future, but not too far into the future.

Mayor Muckle suggested the word will in the vision statement be changed to "wish." Council member Stolzmann felt City Manager Fleming's suggested revision to take out "will" was very strong. Mayor Muckle agreed. He supported leaving in the 20-year timeframe and adding the word "voluntary". There was Council consensus.

Council member Loo noted there were only 25 people in attendance, and asked if the consultant and staff were comfortable calling 25 people the public, when the City has 19,000 residents. She asked if there was some way to expand the participation. Planner I Trice stated the participation was small in comparison with the small area plan meetings. She noted they are aware of the low participation, but have encouraged the public to use the EnvisionLouisville Web site and to pick-up a post card which provides information on how the public may participate.



Council member Keany asked how the postcard is being used. Planner I Trice explained the information on the post card will go out in the water bills' and there is also information at the Library, Recreation Center and City Hall. A table was set up at the Recreation Center two weeks ago and she distributed information on the plan and responded to questions. She will be at the Recreation Center again next week for two days. Flyers have been posted downtown and have been distributed to all the City's Boards and Commissions.

Council member Keany asked how many people participated in EnvisionLouisville and in the history questions. He felt the comments on EnvisionLouisville were more about open space and land preservation than historic preservation. Planner I Trice stated the City has not received many responses from EnvisionLouisville. Staff will decide whether this is the best way to receive public comment on the Historic Master Plan. It may require posting more precise questions.

Council member Keany asked if there is a sign-up for City emails for an update on the Historic Preservation Master Plan, South Boulder Road Small Area Plan and the McCaslin Small Area Plan. Planning and Building Safety Director Russ confirmed there is a signup process for updates via emails.

Council member Leh addressed the 0027 Web site and stated it was a great resource. He suggested using it to advertise the Historic Preservation Master Plan. Planner I Trice agreed using the 0027 Web page for posting would be helpful.

MOTION: Mayor Muckle moved to endorse the vision and purpose for the Preservation Master Plan, edited to eliminate the word "will" and add the word "voluntary", seconded by Mayor Pro Tem Dalton. All were in favor. Absent: Council member Lipton.

### **POLICY ON OPEN SPACE AND PARKS FUNDING EXPENDITURES AND RESERVE**

Mayor Muckle requested a staff presentation.

City Manager Fleming explained the proposed policy is intended to address the questions and concerns relative to the policy on Open Space and Parks Fund Expenditures and Reserve and whether all of the funds are dedicated for open space land dedication or a mix of land acquisition, maintenance and development. Louisville has a long history of taxpayer support for open space and parks funding. In 1993 the voters approved a .038% tax devoted to the acquisition of land in and around the City of Louisville for open space buffer zones, trails, wildlife habitats, wetlands preservation and future parks. In 2002 Louisville voters approved continuing the taxes for these same purposes as well as for the development, construction, operation and maintenance of such lands. In 2012 Louisville voters approved continuing the taxes again for these same comprehensive purposes.

The City staff and the Open Space Advisory Board are working to develop a policy to guide the use of the funds and address the concerns relative to preserving enough revenue to acquire open space land when they become available; ensure the funds are not prioritized for maintenance and parks over open space acquisition and to ensure there are adequate funds for these purposes, and in particular, to acquire open space candidate properties. In recognition of this history, the City Council's policy regarding these funds is as follows:

1. The City shall prioritize expenditures from the Open Space and Parks Fund to ensure there is sufficient funding to acquire properties on the City's Candidate Open Space ranking as they become available. Accordingly, the annual budget shall allocate funding as follows:
  - a. Sufficient funding to pay for the City's share (joint partners) of the total projected cost to acquire property, if they come available, the current top three properties on the City's Candidate Open Space ranking.
  - b. If there are Fund reserves remaining after satisfying priority (a) those reserves may also be budgeted for acquisition of parks and for development, construction, operation and maintenance of open space zones, trails, wildlife habitats, wetlands and parks.
2. To ensure there are adequate funds to acquire properties on the City's Candidate Open Space ranking.
3. In the event City purchases of a Candidate Open Space property would cause the year-end reserve balance in the Open Space and Parks Fund to be lower than the amount specified in section 2, the City Council shall evaluate options and commit to a course of action and timeframe to restore the reserve balance to the specified level.
4. Open Space and Parks Fund resources may be expended only for purposes clearly authorized by the most recently adopted ballot language and may not be expended to support the Recreation Center, Golf Course, Memory Square Pool or similar recreation facilities.

In calculating the proposed reserve, the top three Candidate Open Space properties include approximately 350 acres of land. Staff's preliminary estimate of the average per acre value of this land is \$45,000 per acre, with some properties having a higher value and some having a lower value. Some of these properties are adjacent to Lafayette and the City expects to partner with both Boulder County and Lafayette to purchase those properties if they become available (Boulder County contributing 50%, and Lafayette and Louisville each contributing 25%). In other properties only adjacent to Boulder County each party would contribute 50% of the total if those properties become available.

Based on these assumptions, under the proposed policy the City should maintain a reserve of about \$4.0 million in the Open Space and Parks Fund. This amount would change based on changes in land value over time and on acquisitions; once the City and its open space partners have acquired larger candidate properties, the total acreage and value of smaller parcels would likely be lower. The proposed reserve balance to maintain could also be lower. With the 2015 budget and current forecast, the reserve in the Open Space and Parks Fund will drop to about \$2.8 million in 2015 and then gradually increase to about \$3.8 million in 2019. Thus, under the current forecast the Open Space and Parks Fund reserve would be less than the policy goal until at least 2020.

Fiscal Impact: The proposed policy sets a specific dollar amount to maintain as reserves in the Open Space and Parks Fund, limits expenditures for specified purposes, and specifies in the event the year-end reserve balance in the Open Space and Parks Fund is lower than the target reserve, City Council shall evaluate options and commit to a course of action and time frame to restore the reserve balance to the specified level.

The Open Space and Parks Fund reserves would not satisfy the proposed policy until after 2019. One option to build a higher reserve in the Open Space and Parks Fund, while building the General Fund reserve, would be to transfer funds from the Capital Projects Funds to the Open Space and Parks Fund. Under this approach, it would be possible to eliminate the General Fund “build reserve” transfers to the Open Space and Parks Fund, and instead provide a “build reserve” transfer from the Capital Projects Fund to the Open Space and Parks Fund in 2016 through 2019 in order to reach a reserve balance of \$4.0 million by 2019. This would involve the following transfers:

2016 = \$300,000  
2017 = \$600,000  
2018 = \$600,000  
2019 = \$300,000

City Manager Fleming requested the City Council discuss and provide comments and direction on the draft policy. If Council is interested in the optional approach for building reserves, it can be implemented through the 2016 annual budget process. He noted the policy was unanimously supported by the Open Space Advisory Board.

## COUNCIL QUESTIONS

Council member Leh inquired whether staff is requesting direction on the proposed policy, but not the proposed reserve. City Manager Fleming confirmed staff is seeking direction of the proposed policy.

Mayor Muckle asked City Manager Fleming to explain why the amount of money would be transferred out of the General Fund to get to \$4 million is not the same amount of

money transferred out of the capital project funds to achieve the same goal.

City Manager Fleming explained if the same amount was transferred out on top of the amount the general fund must transfer to cover operational costs for open space and parks, it would draw the general fund down below the 15% minimum reserve policy.

Mayor Pro Tem Dalton asked if the policy would keep enough in reserves to fund the top three candidate properties. City Manager Fleming confirmed it was the intent.

Mayor Pro Tem Dalton inquired if the top candidate property is purchased, are there sufficient funds to acquire the remaining two. City Manager Fleming explained the next highest ranking parcel would be moved to the top three and the acquisition cost would be calculated to always keep that amount in reserve.

Mayor Pro Tem Dalton asked for the number of properties in the top tier. City Manager Fleming explained there are 20 to 30 properties. The Open Space Advisory Board has been asked to determine what properties they would like the City to acquire, and then take the other properties off the list.

Mayor Pro Tem Dalton was willing to support the policy if there was an end and the real number of properties actually met the standard definition for open space.

Mayor Muckle stated future Councils will have the opportunity to buy open space parcels. He agreed at some point there will not be any available property. Mayor Pro Tem Dalton felt this Council should add some clarity of their vision.

Council member Loo was not comfortable with what the City would be signing off on. She stated the policy would transfer \$350,000 per year for open space and parks. She asked how many years this amount has been transferred. Finance Director Watson explained it began in 2014 when Parks were put into Open Space.

City Manager Fleming explained in 2008 a significant amount of parks maintenance expenditures were funded directly from the open space and parks fund in recognition of the constraints on the general fund and the relatively high and increasing reserve in the open space and parks fund. He noted the ballot language specifies the funds could be used for both land acquisition and maintenance, therefore more costs were shifted over to the open space and parks fund. The fund is going down because of the funding for the Washington Underpass and for the City Services Facility.

Finance Director Watson explained 2015 will be the first year the General Fund will support the Open Space and Parks Fund by transferring \$570,000. This amount does not include the \$300,000 amount to build the reserve, which begins in 2016. The City Manager is proposing the amount needed to build the account and meet those objectives, to be from the Capital Projects Fund transfers to the General Fund. There are two transfers; one from the Capital Projects and one from the General Fund.

## COUNCIL COMMENTS

Council member Stolzmann presented slides she prepared to clarify her understanding of the Open Space and Parks funding sources. She explained when a tax is passed the public expects something new or special in return. She wanted to know what people were getting between 2002 and 2003 and what would the City Council put on top of that. The graphs illustrated how the funding mechanism changed over time. In 2008 the City began transferring money from the fund to the General Fund for operating expenses. The graph did not look at any capital expenses for parks or open space because they are in the Lottery Fund and the Capital Project Fund. She wanted to look at the cost centers or subprograms. In 2000 there was just Parks/Park Admin, until the tax evolved and Open Space/Open Space Admin was added. In 2008 a lot of parks operations were shifted into the open space function. This year the City Manager and the Directors tried to pull apart open space and parks from operations to show what is being spent. She wanted the policy to be as transparent as possible. She found all the transfers confusing and hard to follow where the money is being spent. She proposed returning the funding for the Parks pre-2003, to the General Fund and eliminating the need for a transfer into the open space fund. In her opinion the problem lies in the capital projects and suggested pushing some off a few years until the bridges and other projects are completed.

Council member Leh asked City Attorney Light if the policy, as outlined by the City Manager, was consistent with the tax measures passed by the voters. City Attorney Light confirmed it was and explained the major shift was in 2002 and the subsequent election in 2012, which changed the language to include maintenance. The original 1993 ballot question was for acquisition only.

Council member Leh addressed the policy and the open space candidate properties and asked who decides on these properties. City Manager Fleming explained the Open Space Advisory Board makes a recommendation of a list of properties based on multiple criteria and a point score system.

Parks and Recreation Director Stevens explained the Open Space Advisory Board revisits this list annually and develops the tier structure. The City Council approves the list, which is then submitted to Boulder County. He acknowledged open space acquisitions cannot go on indefinitely. From a staff perspective there are only six candidate properties warranting Council consideration for acquisition. The others would be good, but there is also restoration and preservation of open space prairie grass and wayfinding. At some point the City may want to look at transitioning from acquisition to an education program. The staff is working with the Open Space Advisory Board on a balance. He stated Boulder County may be interested in partnering with the City on open space acquisition. He noted it is not time sensitive; it is a matter of buying when the seller is willing to sell.

Council member Leh was concerned the policy is driven by the list of candidate properties and the City is inappropriately delegating this decision to the Open Space Advisory Board. City Manager Fleming explained the Open Space Advisory Board is an advisory board, who makes recommendations to the City Council. Ultimately it is the City Council decision. The City is reserving money through the budget process until the candidate properties become available. He stated there is a perception that too much money is being spent on parks and maintenance and not enough on acquisition.

Mayor Muckle stated the Council typically approves the Open Space Advisory Boards recommendations on the consent agenda. He explained every year Boulder County asks each municipality to provide a list of desired properties and that is what drives the list. Mayor Pro Tem Dalton stated no property can be purchased without City Council approval and noted this would be further discussed during the budget process.

Council member Leh stated his understanding that the policy is intended to provide guidance to staff on how to allocate funds for open space acquisitions, based on a prioritized list. He wanted to ensure the staff is empowered to allocate funds in the manner described in the policy, but wanted to be clear on what he was voting on.

Council member Stolzmann stated her understanding that this was a discussion item and a vote was not required. It was confirmed this was a discussion item.

Mayor Muckle stressed this is just one component of the budget process. He felt this is what the citizens expect and noted the City does have the funds for acquisition when those properties become available. He stated during the recession in 2008, the budget was reduced to reflect declining revenues and pursuant to the ballot language, funds were taken out of the Conservation Trust Fund to pay for operations. He supported the policy to build back the reserves in the Open Space and Parks Fund and the transfers from the General and the Capital Projects Funds.

Council member Stolzmann stated there is so little public trust in America today, it is important to be as obvious as possible on what money is being spent. She stressed the importance of choosing the correct option and suggested moving the cost of the parks operations and administration back into the cost center in the General Fund (at least the amount funded before 2007) and delaying some of the capital projects. By moving the cost center back to the General Fund, the reserves will be rebuilt very quickly. Council member Loo stated it would depend on what projects are delayed.

## **PUBLIC COMMENTS**

Michael Menaker, 1827 W. Choke Cherry Street, Louisville, CO addressed the viable six candidate properties and stated his recollection that the number is closer to 30. He stressed the importance of realigning the list with reality and getting the deadwood off the list. He would also be comfortable knowing when the process ends and the revenue from this tax will maintain the City's open space properties. He felt there are huge risks

in delaying capital projects because construction costs are skyrocketing. He urged Council to complete the capital projects as quickly as possible.

Council member Stolzmann explained there is opportunity cost associated with delaying capital projects when the City knows a project is not going forward. By leaving the money in the budget it can be used for other things that are needed.

Council member Keany agreed there is a need for more transparency, and the transfers are confusing.

Council member Leh agreed the process should be transparent and the list of candidate properties should be pared down. He noted the Council had a discussion with the Open Space Advisory Board at a study session, which involved cleaning up the list. He felt the City Council comments and discussion provided direction to the staff.

City Manager Fleming thanked Council for their direction. He noted during the budget process, Council will be able to consider various tradeoffs.

Mayor Muckle stated the City Council has been clear on their desire to acquire open space land as it becomes available.

**ORDINANCE No. 1678, SERIES 2015 – AN ORDINANCE AMENDING TITLE 17 OF THE LOUISVILLE MUNICIPAL CODE TO ALLOW FOOD TRUCKS, FOOD CARTS, AND MOBILE RETAIL FOOD ESTABLISHMENTS TO OPERATE AT THE COAL CREEK GOLF COURSE WITHIN A RESIDENTIAL ZONE DISTRICT – 1<sup>st</sup> Reading – Set Public Hearing 02/17/2015**

Mayor Muckle requested a City Attorney introduction.

City Attorney Light introduced Ordinance No. 1678, Series 2016. He reminded Council of the adoption of regulations for food trucks last year. This ordinance is a cleanup amendment to make sure the zoning code clearly allows for mobile food sales at the golf course, either in conjunction with the operations at the golf course food service or at special events such as the 4<sup>th</sup> of July.

Council member Keany asked if this amendment is a result of the enactment of a food truck ordinance or was it because past beverage carts and food cart were operating illegally. Planning and Building Safety Director Russ stated from a zoning perspective, retail sales within a residential district are illegal operations.

**MOTION:** Mayor Muckle moved to approve Ordinance No. 1678, Series 2015 on first reading, ordered it published and set a public hearing for February 17, 2015, seconded by Mayor Pro Tem Dalton. All were in favor. Absent: Council member Lipton.

## **ATTORNEY'S REPORT**

No items to report.

## **COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF FUTURE AGENDA ITEMS**

Council member Loo stated there is concern amongst some constituents that the City does not have a comprehensive policy on communication antennas on rooftops. She noted the Planning Commission has discussed this in the past. She inquired whether Council has any interest in such a policy and asked if Planning and Building Safety Director Russ had any short-term solutions to this problem.

Planning and Building Safety Director Russ stated as property owners, this is an issue for the City Manager and Parks and Recreation Director concerning public facilities. From a zoning perspective there is not any flexibility and would require updating the zoning ordinances for CMRS. There have been requests and the City does not want to create unfair treatment, so other vendors have been allowed. The City has the discretion to deny the request, but the intent was to create a more public process.

Mayor Pro Tem Dalton asked whether this should be a study session item. Mayor Muckle supported a study session discussion.

Council member Keany stated although he understood the public's concern, the antennas at the Recreation Center and the Ball Fields are generating revenue for the City to offset park and recreation fees and other expenses. He did not have a problem with antennas in general.

## **ADJOURN**

MOTION: Mayor Pro Tem Dalton moved for adjournment, seconded by Mayor Muckle. All were in favor. The meeting adjourned at 9:15 p.m.

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Robert P. Muckle, Mayor

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Nancy Varra, City Clerk